

Exhibit 2

1 STATEMENT OF: Corporal Garrett Maxwell, #354

2
3 REFERENCE: Internal Affairs Investigation 20-0033

4
5 DATE: Friday, December 4, 2020, 10:30 a.m.

6
7 PRESENT: Professional Standards Sergeant Brian Torum, #320
8 Administrative Sergeant Rob Peterson, #321
9 Corporal Garrett Maxwell, #354
10 David Garcia, Goyette and Associates

11
12 LOCATION: Enterprise Park Conference Room, Redding City Hall

13
14 Transcribed by: M. Dotson

15
16 BT: Brian Torum

17 RP: Rob Peterson

18 GM: Garrett Maxwell

19 DG: David Garcia

20
21 BT: And I'm recording. Okay, the date is Friday, December 4, 2020. The time is 10:30
22 a.m. My name is Sergeant Brian Torum. Also present are

23
24 RP: Sergeant Rob Peterson.

25
26 DG: David Garcia with Goyette and Associates.

27
28 GM: Corporal Garrett Maxwell with the Redding Police Department.

29
30 BT: We are at the Enterprise Park Conference Room in Redding City Hall to discuss IA
31 #20-0033. Corporal Maxwell, are you aware this interview is being recorded?

32
33 GM: Yes, I am.

34
35 BT: Okay, you are advised that your rights are fully stated in the Public Safety Officers
36 Procedural Bill of Rights Act, Government Code sections 3300 through 3311. Are you
37 aware of these rights?

38
39 GM: Yes, I am.

40
41 BT: The California Supreme Court in interpreting Government Code sections 3303(e),
42 3303(g), and 3304(a) state an officer must be given Miranda Rights when it is
43 possible he or she could be charged with a criminal offense. You have the right to
44 remain silent. Anything you say can be used against you in a court of law. You have
45 the right to talk to an attorney and have them present with you while you are being
46 questioned. If you cannot afford an attorney, one will be appointed to represent you
47 before any questioning, if you wish one. If you under....excuse me....do you

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377 BT: So, in your mind she's free to leave at that point?
378
379 GM: At that point, while I don't like the idea of it, it was the lesser of two evils, if you can
380 call it that.
381
382 BT: Okay, did you think it was the safest thing to do at the time?
383
384 GM: I did. I felt based on the surroundings it was the most prudent thing.
385
386 BT: Okay, so had the female backed up all the way out and driven towards the exit of
387 Discovery Village, would you have done anything to stop her from doing it?
388
389 GM: Not right then and there at that point. We may have followed her to a safe location,
390 try a traffic stop and see where it went from there, but in a heavily populated business
391 district I wasn't willing to have that occur right there.
392
393 BT: So, at the point only when she is backing up, did you perceive any threats from her?
394
395 GM: Um, during the initial calm backing maneuver, not to my life at that point, no.
396
397 BT: Okay. You mentioned that she, um, she tried to hit you, or run you guys over, so
398
399 GM: Correct.
400
401 BT: um, I've seen the video. Obviously you've talked about the video already and I know
402 at some point the car drives forward.
403
404 GM: Correct.
405
406 BT: So, and then you mentioned that she tried to hit you as well, so, when the female
407 went from a backing movement into a forward movement where were you guys
408 positioned, you and Officer Bruce positioned?
409
410 GM: We were both, uh, near the front of that car near the direction of its travel when it
411 lurched towards us.
412
413 BT: And did you hear anything when the vehicle moved?
414
415 GM: As far as?
416
417 BT: So like did you hear a revving engine or a, you know, the sounds associated with
418 accelerating cars, like screeching tires, a revving engine?
419
420 GM: It wasn't like she floored it. There was, it was obvious to me that the vehicle lurched
421 forward. It was very unnatural considering the context of where that, again, there was
422 ample space for her to just cautiously back out. There was room for her to depart.
423 She stopped that backing maneuver when her vehicle was facing directly at us, put it

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565 BT: Why do you think he was doing that, in your experience?
566

567 GM: He was trying to one, get through the window to gain control of the suspect. Uh, I
568 know the intent of that would be to one, immediate affect her arrest, prevent her from
569 leaving, but also to mitigate any additional risk to bystanders and people in the area.
570

571 BT: After you slashed her tire, or you poked her tire, and Officer Bruce was there, um,
572 trying to break her window, um, describe, describe what happened, what you did after
573 that.
574

575 GM: So, I was facing, uh, kind of down and away from Officer Bruce towards the rear of
576 that tire. When I slashed the tire, that was effective. I began to put my knife away
577 and as I began to back off and turn I saw Officer Bruce pinned in a face-down manner
578 being crushed by the front left wheel and tire of that car.
579

580 BT: So, did you believe he had injuries?
581

582 GM: I knew he had injuries. He, uh, had this look on his face of absolute panic.
583

584 BT: So, after you saw him in that area, you had poked the tire and transitioned. Uh, did
585 you, what did you do?
586

587 GM: So, I moved back kind of towards Officer Bruce, wanted to get a, my immediate
588 concern was to get a view of the driver. I had drawn my handgun by this point. Um,
589 Officer Bruce was again pinned. He was not, it wasn't like he had been run over and
590 was able to get out of that position. He was actively being crushed by that tire. He
591 was not able to get out of that position. The only thing I could do at that point, based
592 on the context of that scenario, was to utilize force on that female driver to prevent her
593 from running him over further.
594

595 BT: Was there time between when you drew your firearm and when you made the
596 decision to fire?
597

598 GM: There was a gap of time from when I drew, uh, my firearm to when I engaged, and
599 during that cycle I assessed Officer Bruce, I assessed the intent of the female, kind of
600 like I discussed earlier. There was no, absolutely no signs of this is an accident.
601 This, in my mind, based on one, the context of our initial interaction, her attempting to
602 run us over, and then seeing that same aggressive, uh, angry demeanor on her face
603 as she continued to manipulate that car, it was very clear to me that her intent was
604 not to stop and help us render aid to Officer Bruce. She was clearly going to drive
605 over him and my fear was that not only one, she was actively hurting and injuring him
606 significantly, but was that she was going to turn those wheels, grind his legs further
607 into the concrete or pavement and run him over and the natural path of travel for that
608 to occur would have been to make a left turn, which would have put not only that tire
609 crushing his legs further, but the rear wheel would have basically swept right over his
610 head and upper torso and crushed and killed him.
611

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612 BT: And so, uh, I just want to make sure I get it, from the time that you poked her tire to
613 the time that you had your firearm out and decided to fire, was there, can you
614 estimate an amount of time between?
615

616 GM: It would have been, when I got to the window and made the assessment to drawing
617 and engaging the female, it would have been probably between three and five
618 seconds.
619

620 BT: Did you say anything to her at the time?
621

622 GM: I did not have time.
623

624 BT: You described that she was, she was making motions to, um, to manipulate the car.
625 Can you describe what those were?
626

627 GM: She had, she was controlling the steering wheel, uh, it appears that she had a hand
628 near the gear shift, um, and at some point that vehicle lurched as if it was going to
629 continue motion.
630

631 BT: If you hadn't done, if you hadn't shot the female, what do you believe could have
632 happened, and then just, you've talked about it, but I just want to make this the point
633 that we reiterate what you believe what would have happened.
634

635 GM: I believe that Officer Bruce would have been killed by that female. He would have
636 been run over and crushed into the ground.
637

638 BT: Okay. So, um, I'm gonna go back and just ask some generalized questions about the
639 incident.
640

641 GM: Sure.
642

643 BT: You both made contact with the female and, not both made contact with her, but
644 when you both arrived and you were speaking with the security guard and Officer
645 Bruce was speaking with the female, if she had just left at that point, would, would you
646 have been forced to shoot her?
647

648 GM: Absolutely not.
649

650 BT: If the female had stopped and complied after driving forward in your guys' direction,
651 would any of this have happened? Would you have had to use your firearm?
652

653 GM: Likely no.
654

655 BT: If the female after striking Officer Bruce had clearly not been manipulating her car, or
656 looked like she was going to comply, would you have had to use your firearm against
657 her?
658

659 GM: No.

660

661 BT: Um, Corporal Maxwell, how long have you been an Officer?

662

663 GM: I started my law enforcement career in 2000.

664

665 BT: In 2000?

666

667 GM: 2008.

668

669 BT: 2008.

670

671 GM: Yes Sir.

672

673 BT: And what agency was that with?

674

675 GM: Uh, it was with the Anderson Police Department.

676

677 BT: And then is the Redding Police Department the only other agency you've worked for?

678

679 GM: Yes.

680

681 BT: So approximately twelve years in law enforcement?

682

683 GM: Yes Sir.

684

685 BT: Do you have any type of specialized training or experience?

686

687 GM: I do.

688

689 BT: And can you describe, uh, what those, what that specialized training is?

690

691 GM: A significant part of my experience revolves around the tactical side of law
692 enforcement. I'm a, I've been to Basic SWAT School. I'm currently on our SWAT
693 team, have been for quite a few years. I've been to a lot of additional trainings within
694 that context, um, that have to do with a lot of the tactics that we employ in law
695 enforcement. Another significant portion of my career I've spent as a department
696 Firearms Instructor. Um, I've also been a Defensive Tactics Instructor, a Taser
697 Instructor, um, I've worked within our Neighborhood Police Unit, which at the time I
698 spent a significant part of that conducting tactical operations with our agency. Um, I
699 was further assigned to our narcotics task force as an investigator where we
700 conducted a lot of different drug related investigations, but a lot of that revolved
701 around, uh, the use of tactics within the confines of law enforcement. Currently I'm a
702 Patrol Corporal with our agency. Um, and over my years of experience within this
703 community I've been involved in, uh, quite a few different types of critical incidents. Is
704 there anything other specific training that you're looking for information on?
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